

**In The United States District Court
For The Southern District Of Georgia
Brunswick Division**

RUFUS LEE KING, JR.,

Petitioner,

v.

THE UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO.: CV214-046

(Case No.: CR210-004)

ORDER

I. Eligibility to proceed on appeal in forma pauperis

The prisoner has filed with this Court a motion to proceed in forma pauperis. Pursuant to 28 U.S.C. § 1915(a)(1)-(2), the prisoner must submit the following:

(1) an affidavit including a statement of the prisoner's assets and a declaration that the prisoner is unable to pay the failing fees and

(2) a certified copy of the trust fund account statement for the six-month period immediately preceding the filing of the notice of appeal.

Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24(a), this Court hereby

___ **GRANTS** the motion to proceed in forma pauperis on appeal;

 X **DENIES** the motion to proceed in forma pauperis on appeal for the following reason(s):

___ (1) This Court **CERTIFIES** that the appeal is not taken in good faith because _____

____ (2) The prisoner has failed to submit the affidavit required by 28 U.S.C. § 1915(a)(1).

____ (3) The prisoner has failed to submit the trust fund account statement required by 28 U.S.C. § 1915(a)(2).

X (4) Other: The appeal is without merit.

II. Installment Payment Provisions

Even if the prisoner is granted permission to proceed on appeal in forma pauperis, the prisoner is still required to pay the Court's filing fees. Pursuant to 28 U.S.C. § 1915 (b) (1), the prisoner is required to execute and return to the Clerk of this Court the **CONSENT FORM** which authorizes payment of the required \$505.00 appellate filing fee from his prison account to the district court. A copy of this form is enclosed with the Petitioner's service copy of this Order.

III. Certificate of Appealability / Probable Cause to Appeal

Pursuant to 28 U.S.C. § 2253(c), an appeal may not be taken in this matter unless the Court issues a Certificate of Appealability. This certificate may issue only if Petitioner has made a substantial showing of the denial of a constitutional right, and (if granted) the certificate must indicate which specific issue or issues satisfy this showing. In accordance with the foregoing, a Certificate of Appealability is hereby

____ **GRANTED** X **DENIED**

for the following reasons and (if granted) with respect to the following issue(s):

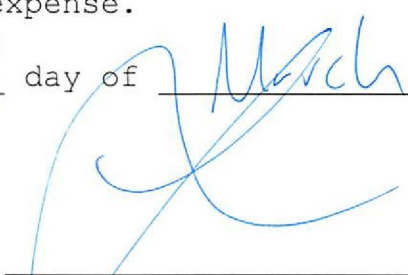
Applicant has not made a substantial showing of the denial of a constitutional right.

IV. Transcripts of Proceedings

X This Court will not presently require the preparation of a transcript or the payment therefor by the United States. To the extent that a transcript of any portion of the District Court proceedings is required, the Court of Appeals may more economically direct which proceedings it requires to be transcribed.

____ The Court Reporter shall transcribe the proceedings as requested by the party proceeding in forma pauperis and the United States shall bear the expense.

SO ORDERED, this 24 day of March, 2015.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA